designated for the purposes and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI VIJAY J. DARDA: Sir, I introduce the Bill.

The Commercial Advertisements on Electronic Media (Regulation) Bill, 2005. -- *Contd.*

SHRI JESUDASU SEELAM (Andhra Pradesh): Mr. Deputy Chairman, Sir, I rise to support this important piece of legislation introduced by my senior colleague, Shri Kalraj Mishra. This is regarding the need to regulate commercial advertisements on electronic media by providing certain norms and standards.

Sir, what is the necessity for this? We are discussing here that we should provide for norms and standards for this purpose. We have reached a stage where we feel a lot of inconvenience in watching certain advertisements on the electronic media. No doubt, it is a commercial world and you have to sell your product. You will have to bring out the merits when compared to other similar sellers in the market. But, at the same time, we feel that it needs to be regulated with certain standards and norms.

Sir, we need to consider what is required to be put in the norms. We also need to strike a balance. We need to allow access to information. They can come out with their quality products, with merit, so that they are preferred by the consumers. But, at the same time, we are living in a world, a society, where certain things need to be regulated. I think Sir, that this is the need of the hour. We need to protect our culture. But the way we project and portray the members of our society, the female members, it is very difficult to do that. Hon. Members have thrown some light on that and I don't wish to go into the details. The portrayal of women needs to be seen specifically in this context; the way we portray women in the advertisements needs to be looked into.

Sir, the other thing is that even if it is a commercial advertisement, we have a rôle to play to our country. We have to imbibe certain values, certain norms, and send a certain message through the advertisements, even if they are commercial, that send the positive signal of harmony, of living together, and then, come out with the products of good quality, with relative advantage as compared to others.

I think these are the issues which we need to highlight. Earlier it was only with the official broadcasters. Now, we have allowed private players also to come into the level playing field. But, I urge upon the hon. Minister to kindly take these requirements into consideration and set certain standard norms, saying that a broadcaster shall adhere to these norms while coming out with a particular product. Sir, I support the Bill.

Sir, lot many things have been mentioned about the nature of advertisement, the nature of products, starting from daily consumer usable items to mineral water, soda, apple juice, and also including electronic items. Also, the way film personalities are used, asking them to play various roles in the advertisements, all these things need to be looked into carefully. Some sort of censorship should be there just as we do in commercial films. Here also, there should be a small regulatory body where even these quickies could be screened and the objectionable messages are done away with. Especially, the younger sections of our society, the youth, should not be burdened with such heavy messages. We have a role to play, as an organisation, as a society. I think the Government should intervene and come out with a regulatory body, maybe not in a similar way as the Censor Board, so that there is somebody to watch over, and there is some mechanism by which these obscenities and indecencies are avoided, and whatever you wish to project could be within these standard norms. I think that is the need of the hour.

Sir, I think this is a very important Bill and I support it. Thank you.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to speak on the Commercial Advertisements on Electronic Media (Regulation) Bill, 2005 moved by hon. senior Member of this House, Shri Kalraj Mishra. Sir, in this Parliament, whether it is Lok Sabha or Rajya Sabha, several questions were put by the hon. Members when such an issue relating to the Ministry of Information & Broadcasting comes up for discussion. Hon. Members have been complaining to the hon. Minister that certain uncensored advertisements or clippings, which are coming on the electronic media, have no control. Sir, there is Cinematography Act. We also have the Censor Board which looks into the question of seeing that there is no violation. Anything which is against the interests of the country or foreign relations or is depicting women in a bad taste, all these things are being controlled by the Cinematography Act. Now a lot of electronic media have come. So, there is competition in the country between various electronic media. Now, we

find, Sir, that there should be a regulation. So far, there are only guidelines issued by the Ministry, and the hon. Member wanted that they should be regulated. So, he has divided the Bill into five or six parts. All advertisements on electronic media shall be so designed as to conform to the law of the country and should not offend morality, decency and religious sensibility of people. The first one is about the interest of the nation, unity and integrity of the nation and maintaining foreign relations. That is one aspect. Secondly, there should not be anything derogatory against women. Thirdly, advertisement, which is coming on liquor, cigarettes and all those items which are injurious or harmful to health, should not be depicted. Fourthly, he has mentioned that advertisements showing children products, which are harmful, should not be depicted. He has also mentioned that advertisements should not mislead the consumer. Medicines of inferior quality should not be allowed to be advertised in the electronic media because people are carried away by advertisement because today advertisement medium has become so strong that people have craze for such products and items. There is one more area which is also covered. Advertisements relating to chit funds, lotteries, betting, gambling and such other things are being covered. Therefore, he wanted a regulatory authority by the Ministry of Information and Broadcasting to regulate the electronic media in this country. Sir, today we find a lot of sting operations. The personal life of an individual is in question. Whether they are right or wrong, I am not going into that aspect, but a person's individual liberty and right is being infringed. The Members of Parliament have to lose their job because of this sting operation. The Ethics Committee went into it, and the Members of Parliament had to lose their job. Then the Ethics Committee went into the MPLAD scheme and again some of them lose their job. Those people erred, I agree. We are not going to protect their interest. But protect the genuine people. People who are not involved, who have nothing to do with that, the damage has been done to them by the electronic media. Sir, we find some advertisements that are coming, clippings that are coming, stories that are coming in the media. They are deplorable because they are showing obscene women picture. Even bigger children cannot see those pictures which are obscene. I wanted to know from the hon. Minister what is the control you have as the hon. Minister for Information and Broadcasting on these private channels.

Sir, it is written on the packets of cigarettes that smoking is injurious to health. But, the cigarette is being shown on TV. There is one

chain smoker here. Definitely, he will not agree with me, but I have to say that...

MR. DEPUTY CHAIRMAN: He has given up...*(interruptions)*...

SHRI V. NARAYANASAMY: I am telling him in the interest of his own health. Sir, today, life is shortened by smoking, consuming excessive liquor and all such things. Sir, nowadays, the electronic media and the big multi national companies have come up whose brand names are famous for liquor, but they only show soda in the advertisement. The company is selling liquor, but they are showing only soda or mineral water. The hon. Petroleum Minister is from Mumbaji and he knows all these things because Mumbai is the place from where all these things are coming. Sir, as far as the milk products for children are concerned, there are certain products which are also affecting the health of the children. But, the people are crazy for such products because of advertisement and they go for those products. They don't know the injury that is being caused to the health of their children even at that small age because advertisement has become a medium by which people are being attracted towards these products. Today, Sir, the multinational companies have come from other countries increasing competition for domestic products. Indigenous products are being sidelined. These multinational companies spend crores of rupees on advertisement which the local people are not able to spend. For example, take the case of Coca Cola, or any other product which is coming from abroad. Lot of research has shown that as compared to the natural soft drinks available in this country, these products are injurious to health. And, some of the States are also opposing these products. Therefore, Sir, advertisements showing obscene pictures of women; advertisement of products for children which are injurious to their health; advertisement of tobacco products and liquor; and, the advertisement of chit-fund companies should be regulated. There is an advertisement where the company says that you deposit Rs.1000 and within three months, you will get Rs.10,000. The people are going for it. After one month, the company is closed; the money is gone. So many people have lost their money by these kinds of advertisements, going there and depositing the money. That kind of attitude is there. Then, there are advertisements for containing obesity. They say that they will reduce obesity and they have got some pill or some machines. People go there and purchase those products and ultimately, the weight is further added by taking those medicines. This is happening. These are the areas where people are being misled by those

advertisements. Sir, it is not only the area of advertisement alone, even in TV serials, things like murder, rape, robbery, dacoity, etc., are being shown. Children are being carried away by these things and sometimes, some of them also experiment these things. Therefore, Sir, these are the things for which there should be a regulation. To my mind, the existing regulations and guidelines are not sufficient. Why lot of electronic media is coming into this country? Why all these private channels are coming into this country? In the name of advertisement, they are earning crores of rupees. They are not earning money by showing films or songs, but from advertisement alone, they are making crores of rupees in this country and thereby spoiling our culture, heritage, our way of life, everything. We are a developing country and we have to grow faster. When I went to China about ten years back, I got an impression that China would become another America within ten years. It is happening now. Even in China, things have changed now because of the advertisement of all these things. Sir, therefore, this is high time for the Minister to consider the demands made by the hon. Senior Member in this House and I entirely agree that TV needs a regulation. I have seen seven Ministers of Information and Broadcasting. Members used to raise the question, when Renukaji was a Member, she also raised the question, of electronic media in this House. When violence was shown in the films and in the electronic media, even regarding Doordarshan, this question was raised.

Sir, there are no regulations, nothing. There is Censor Board only for cinema. Sir, the existing Censor Board should be used for that. Let them get it censored. Now, it has become a tussle amongst the political parties in the States. One political party has one channel; another political party has another channel. One party abuses the other leaders, and, the other parties abuse other leaders, and, there is no end. ...*(Interruptions)*... In Andhra also, it is going on. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, you are talking because nobody is...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, I have not told them to go away. It is for them to be present here. Sir, it is not being regulated. Sir, unparliamentary language against the political leaders, the political parties are being used in the electronic media. Sir, the hon. Minister, a young and dynamic Minister, should consider this as the country expects a lot of reforms in the electronic media, especially, in the information and

broadcasting. He is capable of doing it. He was a young Turk earlier. Still, he is having that vigour with him. ...*(interruptions)*...

Sir, as per Clause 11, which the hon. Member has mentioned, "The Central Government shall, by notification in the official Gazette establish an authority to be known as Advertisement Regulatory Authority to oversee the whole issue of advertising business in the country within the scope of this Act." This is what he wanted, Sir.

I support the move of the hon. Member and I want the hon. Minister to positively respond to the Bill that has been presented by the hon. Member in this House. Thank you.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): Sir, first of all, I thank the hon. Member, Shri Kalraj Mishraji for taking up this cause through his legislation. I also thank all the distinguished Members who contributed on the last occasion and today also by providing constructive suggestions and actually explaining the field reality as to what is happening in the electronic media advertising.

Sir, before I come to our proposal, I must also tell the House that till today, not in terms of dictionary or philosophy, the exact definition of 'obscenity', the exact definition of 'nudity', have been found in a modest manner but, decisively, there are different kinds of literary interpretations of such things. When an artist paints a portrait of a lady, he or she depicts it in a different form, paraphrases the whole thing, and, when someone else puts it to the advertisement, nothing uncalled for, it has a different kind of form. I am not going to debate on that issue. Sir, with the emergence of hundreds of channels in the private electronic media, emergence of various kinds of tabloids, emergence of new market economic challenge, its use and misuse, I do candidly admit that there are several instances which are really telling upon the sound orderly health and mental make up of our teenage in the country. There is no denying that fact. There is no denying the fact that an advertisement that can easily sell a commodity, explaining its quality, potentiality, price etc. is trying to sell it in a different fashion, wherein women are not required to be shown. The material and the product have no link with her. Even then they are attempting to do so. I don't want to go into the details because several instances have been mentioned by the hon. Members, which I have gone through.

3.00 p.m.

Sir, before I came to respond to this debate, I did have a very long meeting with the Central Board of Film Certification, Censor Board, headed by Mrs. Sharmila Tagore, the other day. I interacted for hours on issues like as to what is happening in the film world, categorisation of adults, categorisation of youth, categorisation of 'A', 'U' and all these things, as to how we are functioning, and, some other things. I also explained my own understanding of the thing.

A film was shown in the name of 'pitai' and I saw it myself. A nine-year-old daughter was raped and her rape incident was being narrated to a six-year-old or eight-year-old child in the family in the presence of mob. I also saw a recent film called 'Tango Charlie'. In this, violating all norms, a particular community and their tribe is being accused in the name of a community called 'Bodo'. I know, Sir, what is happening. The difficulty, I must confess to the House, is that every day hundreds and thousands of films are being produced in 'C' category. Category 'A' is of the feature film for the theatre, which we buy for the television. Category 'B' is of the documentaries and short films and sometimes television serials which are made by in-house production or sponsored production.

Before I touch upon any other thing, I would like to make it abundantly clear that the Prasar Bharati and the Doordarshan have never attempted to increase, in the name of its TRP, such kind of things which are not approved by the public broadcasting system.

On the other hand, offers have been made to us either to buy or to use certain things which are strictly avoided. Feature films which are cleared by the Censor Board often come to the television screen, and there also, we try to see that certain restricted movies, which are not to be shown in the daytime or study time, are taken up after 10.00 p.m. But I do admit that all the regulations are not enough. The subject matter, which Kalraj Mishraji has brought, points out the issue of advertisement.

The advertisement code of the Cable Network Regulation that has been passed by the very Parliament has many provisions. For every issue, there is a rule and there is a code. But who is going to monitor that? In a country like India, which has the population of more than one billion, who is going to monitor which cable TV is pushing to its customers or subscribers what kind of content? Who is going to monitor this? The monitoring mechanism, I have studied, is very poor. We left it to the District Magistrate

or the SDOs or the Superintendent of Police. They have many other works. I don't want to mention anybody here because I have high respect for officials. I know, in my area, some of them even sometimes connive with the cable operator. भाई रात 11 बजे के बाद दिखाओ, हम देखेंगे। Some NGOs caught it. So, it is a very difficult situation how to monitor it. It is problem number one.

The rule says that there is a monitoring mechanism. In that case, since morning 6 o'clock to midnight, either an officer or rotationally officers or somebody has to sit before the screen to see what is going on and what is coming, which is very difficult.

I am thinking very actively on it. Like the Consumers' Forum having a legal support, why not in India we think of a Viewers' Forum with a total legal backing, so that the Viewers' Forum has the right what they like and what they do not like and if something wrong was shown yesterday night, it could lodge a protest. I advised my Ministry to work out a model in this regard which could fit in to the legislative system, at least, to keep a check. It is number one.

Number two, Sir, is the content. Not on one occasion, but on fifty occasions, the Government stopped many advertisements in the television by issuing simple show-cause notice, and nicely, I must say, those television channels did not protest to the court of law. On the receipt of our notice, they withdrew those advertisements, which were very unhealthy for our society and mental make up of our children, and compromising the dignity of women. Whenever such advertisements come to our notice, either somebody writes or somebody approaches us, immediately, we find out which channel it is and at what time it was shown. We issue notices to them and we have been successful in trying to stop a few. But I should not claim that everything is clean and everything is all right today.

Now, what we can do in this matter? Since the matter is mostly dealt on advertisements and not on films, I am not touching the films, though I can inform the House that I am going to adopt a policy to examine the shortcomings of the present Film Censor Board to rigorously see that violence not called or violence which is not part of the story or violence which should not be depicted in a form that they deserve should not be clubbed in the 'U' films. That should be categorised for 'A' as the age is restricted. But I have seen that even 'U' films, universal films, are also carrying such kind of violence which is not called for. And I must say,

when I talked to the industry, they said, "If we show obscene dance and put violence or such kind of thing, it really sells, market takes it." Therefore, in the name of responding to the market, expanding their business and getting money, the society is completely destroyed. That can also not be tolerated by any lawful established Government. Therefore, I did advise the other day in the Censor Board meeting, that, look what has been done, is done; now from today, you find out what are the shortcomings for you to overcome this crisis. Then, I gathered, Sir, that a Regional Film Censor Officer, with two or three of his colleagues, have had to clear hundreds or two hundreds or thousands of films in a week or a month. I cannot believe, he can see to it. Producers also spend money, money from the market taken on loan, they sit on the shoulders saying, quickly clear हमारा तो पैसा मारा जा रहा है, ब्याज लिया है। So, I feel the existing system itself is faulty. The system requires more decentralisation and more professional expertise to selectively grade the viewing part which could go. If yes, the whole content is for universal showing but part of it is for adult, if they agree to edit the adult part, go for universal; if they don't agree, go for adult. So, that kind of mechanism I am going to adopt and my desk is actively engaged to review the shortcomings. That is about the feature films.

Now, I come back even to the music albums. Those are more obscene; those are horrible. The content of music is one and the depiction is something different; and the postures and gestures are so terrible that young children of 12-18 age group are not only getting disturbed, but they also carry those copies and whenever they find time in the off hour in schools, they try to do it among themselves. There are instances. We all know what happened in a school in Delhi on mobile phone. So, we are quite aware of this matter, Sir, and we are also taking it seriously. I have been specially advised by the hon. Prime Minister and the Chairperson Shrimati Sonia Gandhi to delete meticulously and firmly. If shortcoming is there in the law, overcome it; if shortcoming is in the monitoring, overcome it and delete it firmly and face it seriously. It is not that I am talking of threatening the industry; I am appealing to the industry to come to the tune which is required at this situation. Sir, it is a fact, many Members spoke about it, I have also gone through it. Suddenly, the channels started coming. One, two, three, four and I think, by 2007, India will have the largest private channels in the world -- largest private satellite channels of the world would be Indian on two categories. Category A, the channels which are of Indian origin; category B, the foreign channels which are coming to India through satellite. Now, to check the contents of the foreign

channels and to check the contents of the Indian channels, the existing mechanism is covered by, as I said, the Advertisement Code on Cable Regulation Act, which ultimately is monitored by the mechanism I told you. It is not a real monitoring unless something is brought to our notice. So, after I took over the Ministry, I have gone through it in detail and I am clearly of the opinion unless a comprehensive regulatory mechanism, through a Bill, on the content and the punitive action is brought forward with a supporting clause of monitoring at various levels, we cannot fight this menace, so suddenly by expressing our good wishes.

I assure Shri Kalraj Mishraji that our Government is actively seized of this matter, and hopefully, in this year itself, I am going to bring forward that Bill with the Content Regulatory Mechanism Authority in the country. I can also tell you, Sir, about the theme plan of the serials. Some times, they are very classic, some times, they are very poor, and in the name of extending the episodes, just to grab the commercial time for advertisements, a serial, which could be completed in 30 episodes, is going on till 89th or 91st episode. Son is born, son's son is born, then his daughter, his marriage, his death, his killing and so on. When I examined one such thing...*(Interruptions)*... The Ramayana serial is a classic thing. I can understand that it should end in a proper dimension. Even serials containing social themes, which should have been completed in 20 episodes or 100 episodes, are going on till the 300 episode, just to grab the advertisement time. They call them "Mega Serials". So, this is also shocking to us. This is not only shocking because they are doing it in that way, but also because, the other talent, who has a good material to show in 30 episodes, he has to stand in a queue for years, and he does not get this opportunity. So, that is also a problem that I have witnessed. But, I can tell you that the contents, as are shown in various channels at present, are not good for the society, not good for the orderly growth of children, and not at all good for the dignity of women that India represents. Therefore, on this issue, I have no difference of opinion with the hon. Members, who took part in this discussion. But, I can only assure the hon. Members that the comprehensive legislation which we are bringing forward, I used the word ' Content Regulatory Mechanism Authority', and that Authority should have the authority to take punitive action in this matter. And when that Bill comes up, the Members can add further suggestions to provide more teeth to that Bill through a discussion. In that spirit, I appeal to the hon. Member, Shri Kalraj Mishraji, to kindly withdraw his Bill, and allow the Government to come out with a comprehensive legislation in this direction. Thank you.

श्री कलराज मिश्र (उत्तर प्रदेश) : उपसभापति जी, मेरे द्वारा जो "इलेक्ट्रोनिक मीडिया पर वाणिज्यिक विज्ञापन (विनियमन) विधेयक, 2005", प्रस्तुत किया गया, इस पर इस सम्मानित सदन के 14 सम्मानित सदस्यों ने भाग लिया है और सबने इस विधेयक का बड़े प्रभावशाली ढंग से समर्थन भी किया है। लोगों ने अनुभव किया है कि जिस ढंग से वाणिज्यिक प्रक्रियाएं चल रही हैं, अगर इसी तरीके से चलती रहीं, तो समाज के अंदर नैतिक क्षरण तो बढ़ेगा ही, साथ ही साथ विज्ञापन के कारण महंगाई में भी बढ़ोतरी होगी। पैकेजिंग और सारा आकर्षक विज्ञापन, उसका स्वरूप और उसको बढ़ाने के कारण जो खर्च होता है, उससे उस वस्तु का दाम भी दुगुना, तिगुना स्वाभाविक रूप से बढ़ जाता है। इसके साथ ही साथ लोगों ने अपने विचार व्यक्त करते हुए कहा कि चाहे हर्बल हो, चाहे महिलाओं से संबंधित विज्ञापन हो, चाहे बच्चों से संबंधित विज्ञापन हो, इन सारे विज्ञापनों से, जिसके संबंध में वह किया जा रहा है, उसके लिए भी काफी हानिकारक साबित होगा और विशेषकर हर्बल के संबंध में लोगों ने जो अपना विचार व्यक्त किया, उसमें तो यहां तक व्यक्त किया कि जिस ढंग से विज्ञापन उभर कर सामने आता है, अगर उसके अनुसार लोगों ने उसको प्रयोग करना शुरू किया, तो अनेक प्रकार के रोग से भी वे ग्रस्त हो जाते हैं। उसे लेते तो रोग को दूर करने के लिए हैं, लेकिन विज्ञापन के आकर्षण के कारण उसको ग्रहण करने के बाद वे रोग से ग्रस्त हो जाते हैं। एक अजीब प्रकार के हालात का निर्माण होता है। इसलिए चाहे नैतिकता का प्रश्न हो, चाहे महंगाई का सवाल हो, चाहे फिल्म और टेलीविजन पर लोगों को दिखाने वाले कार्यक्रम का जो समय होता है, उसके लिए जितना सुनिश्चित समय रहता है, उसके अलावा ज्यादा से ज्यादा समय विज्ञापन में चला जाता है। ये सारी चीजें ऐसी हैं, जिनके कारण आम आदमी, सामान्य आदमी भी और जो भी इसको देखते हैं, ऐसे सब लोग इनके दुष्प्रभावों से ज्यादा प्रताड़ित होते हैं और एक ऐसी हालत पैदा होती है, जिसमें लोगों को लगता है कि अगर यही स्थिति बनी रही तो समाज के अंदर जो सही दिशा-निर्देश होना चाहिए, वह नहीं हो पाएगा।

महोदय, लगभग सभी लोगों ने इन सब बातों को ध्यान में रखकर इस बारे में अपने विचार व्यक्त किए। विचार व्यक्त करने वाले 14 लोगों का नाम लेकर मैं उनके प्रति आभार व्यक्त करना चाहूंगा। श्री शान्ताराम लक्ष्मण नायक जी ने, श्री राम नारायण साहू जी ने, डा0 एम0एस0 गिल जी - इन्होंने तो शराब के एक विज्ञापन का बड़ा ही अच्छा उदाहरण देते हुए कहा, अभी श्री नारायणसामी जी ने भी बड़े हास्यास्पद तरीके से उस बात का उल्लेख किया था कि "खूब जमेगा रंग जब मिल बैठेंगे तीन यार - मैं, आप और बैगपाइपर सोडा।" तो लोग शराब के विज्ञापनों को इस तरीके से लोगों के सामने रखने का प्रयत्न करते हैं। तो मैं कह रहा था कि सभी लोगों ने अपने-अपने ढंग से विचार व्यक्त किए - श्री गिल साहब ने विचार व्यक्त किए, श्री एन0 जोती साहब ने विचार व्यक्त किए, डा0 कुमकुम राय जी ने अपने विचार व्यक्त किए, मौलाना ओबैदुल्लाह खान आज़मी साहब ने तो बड़े ही मार्मिक और द्रवित करने वाले शब्दों का प्रयोग करते हुए इस चर्चा में भाग लिया, श्री जयन्ती लाल बरोट जी ने, श्री सिलवियस कोंडपन जी ने, डा0 नारायण सिंह मानकलाव जी ने, डा0 फागुनी राम जी ने, कुमारी निर्मला देशपांडे जी ने, श्री राशिद अल्वी साहब ने, श्री जेसुदासु सीलम साहब ने और श्री नारायणसामी जी ने, इन 14 लोगों ने इसमें भाग लिया और सबने इस विधेयक का बड़ा प्रभावी समर्थन किया। मैं मंत्री जी का भी बड़ा आभारी हूं कि उन्होंने इस विधेयक का अपने शब्दों में समर्थन किया और समर्थन करते समय जो भी उनकी सांसदीय मर्यादा है, उसका अनुपालन करते हुए और इस विधेयक की भावना को व्यावहारिक स्वरूप प्रदान करने के लिए जिस ढंग से उन्होंने आगामी सत्र में विधेयक

लाने का आश्वासन दिया है और मेरे प्रति जो उन्होंने सदाशयता व्यक्त की है, उसके लिए भी मैं निश्चित रूप से उनके प्रति बहुत आभार व्यक्त करता हूं। इन्होंने यह भी कहा है कि मॉनिटरिंग की समस्या है, नियम तो बहुत बनाए गए हैं, कानून तो बहुत बनाए गए हैं। इस प्रकार की बातों को नियंत्रित करने के लिए ताकि इस प्रकार की अश्लील और अतिश्योक्तिपूर्ण चीजें सामने न आने पाएं, कानून तो बहुत बने हैं, लेकिन उन कानूनों का अनुपालन जिस ढंग से होना चाहिए, वह नहीं हो पा रहा है। इसलिए उसके अनुपालन और अनुश्रवण की व्यवस्था करनी होगी, मॉनिटरिंग की व्यवस्था करनी होगी और उसी मॉनिटरिंग की व्यवस्था के लिए ही अथॉरिटी की बात आपने बताई है। अब जो विधेयक वे लाएंगे, उसके अंतर्गत किस प्रकार का प्राधिकरण होगा, यह निश्चित रूप से उसमें आइडेंटिफाई करेंगे और जिस प्रकार की भावना लोगों ने व्यक्त की है इस विधेयक पर चर्चा करते समय, उस भावना का समुचित तौर पर सम्मान हो। जिस तरीके से इन्होंने अपेक्षा की है कि चाहे अश्लीलता हो, चाहे अतिश्योक्तिपूर्ण प्रचार हो, चाहे अनेक प्रकार की आकर्षक चीजों को प्रस्तुत करते हुए लोगों को गुमराह करने की कोशिश हो, इन सारी चीजों पर नियंत्रण कैसे लगेगा, इस बारे में उस प्राधिकरण के अंदर एक मानक को सुनिश्चित किया जाए। मैं निश्चित रूप से चाहूंगा, विधेयक के अंदर हमने उन मानकों का भी उल्लेख किया है, उस मानक को सुनिश्चित करेंगे तो जो मॉनिटरिंग की आपकी अपेक्षा है, निश्चित रूप से वह मॉनिटरिंग सफलीभूत होगी और आने वाले समय में विज्ञापन को मर्यादित करने का काम करेगी। और उसे मर्यादित इस प्रकार से करेंगे कि संविधान के अंदर अभिव्यक्ति की स्वतंत्रता अवश्य है और इस पर अनेक प्रकार की बातें लाई जा सकती हैं, लेकिन उस अभिव्यक्ति की स्वतंत्रता के साथ ही साथ उसके अंदर यह प्रावधान भी है कि अगर वह अभिव्यक्ति नैतिक मूल्यों का क्षरण करने वाली है, तो उसे मर्यादित किया जाए। उसे मर्यादित करने के लिए जो प्रावधान हैं, जब हम उनका इस्तेमाल करेंगे, तभी हमारे यहां की संस्कृति एवं हमारे यहां की सभ्यता को सुनिश्चित रखते हुए जैसा हम चाहते हैं, वैसा संदेश समाज को दे सकेंगे। इसलिए मेरा आग्रह है इन सारी मर्यादाओं का ध्यान रखते हुए, विज्ञापनों के माध्यम से हम समाज को एक सही संदेश दे सकें, इसके लिए इस विधेयक के माध्यम से आप एक एथॉरिटी बनाई जाए।

इस चीज़ का उल्लेख करते हुए आपने यह भी कहा है कि अश्लीलता की परिभाषा करना भी बहुत मुश्किल हो जाता है। जिस विज्ञापन को देखने के बाद, जिस कृत्य को देखने के बाद समाज के अन्दर उस प्रकार का मैसेज या संदेश जाता है, वह उस परिभाषा के अन्दर आता है, फिर चाहे वह टीवी हो या सिनेमा हो या कुछ और हो। यदि उसके माध्यम से किसी सीन को देखने के पश्चात्, उस प्रकार का मैसेज या उस प्रकार की प्रवृत्ति आम जनता के अन्दर जागृत होती है तो वह अश्लीलता, क्रूरता या भयानकता की परिभाषा के अन्तर्गत आता है। अतः इसे इसी रूप में लेते हुए और परिभाषित करते हुए, किस प्रकार इसका नियमन हो, किस प्रकार इसे इसे ठीक किया जाए, अपने इस विधेयक के माध्यम से इसे करने का प्रयत्न करेंगे तो मैं समझता हूं कि इस विधेयक की मंशा के अनुरूप और जितने लोगों ने इसमें भागीदारी ली है, उन सबकी मंशा के अनुरूप हम सदन को आश्वासन दे रहे हैं, यही माना जाएगा। मैं उन सभी सम्मानित सदस्यों के प्रति आभार व्यक्त करते हुए और मंत्री जी ने जो आश्वासन दिया है, उस आश्वासन के प्रति विश्वास व्यक्त करते हुए, यह जो विधेयक लाया हूं, इसे वापस लेने की घोषणा करता हूं। बहुत-बहुत धन्यवाद।

The Bill was, by leave, withdrawn.

The Girl Child (Elimination of Discrimination and Violation of Rights and other Welfare Measures) Bill, 2003

SHRIMATI PREMA CARIAPPA (Karnataka): Mr. Deputy Chairman, Sir, I move:

That the Bill to eliminate the discrimination against the girl child by providing for the equal upbringing and remove of neglect by her parents or guardians and violation of her rights by marrying her off during her childhood and forcing her in begging, prostitution and other crimes by providing deterrent punishment for such violations and for welfare measures such as free and compulsory education including vocational education enabling her to enjoy her childhood and for matters connected therewith and incidental thereto, be taken into consideration.

[THE VICE-CHAIRMAN (SHRI KALRAJ MISHRA) in the Chair]

Sir, it is a national shame that the girl child is the most unwanted in majority of the families of our nation who prefer to eliminate even the foetus if it is of a girl child. Thousands of legal or illegal ultrasound clinics are functioning in the country, which are infamous as pre-birth sex determination test clinics. As happens in our Indian households, everybody wants a male baby and for this the services of the sex determination clinics are taken. If the foetus is that of a female, it is aborted as soon as possible. For this the consent of the mother is neither taken nor it is respected. In some cases, it is the mother who decides to eliminate the female foetus. This is common not only in illiterate poor families but it is more in educated and affluent families. In western countries, ultrasound is used to find out the deformity in the child to safeguard the child as well as the mother, but here in India they use ultrasound clinics to find out whether it is a female foetus so that it can be aborted. Though prenatal sex determination is illegal in the country, but who bothers about the law. This profitable nefarious business is increasing by leap and bounds resulting in steep decline in male-female ratio in the country, particularly in the northern and western regions of the country.

Sir, today, 16 States, more specifically, 70 districts and 23 cities in the country, have a shocking sex ratio. If this is not taken seriously, 15 years later, the effect of what we see today will surface as a social unrest.